

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LATEEK SHABAZZ,)	
)	Case No. 1:24-cv-00488
Plaintiff,)	
)	Judge Dan Aaron Polster
v.)	
)	<u>OPINION & ORDER</u>
BRANDON KING, MAYOR OF THE)	
CITY OF EAST CLEVELAND,)	
)	
Defendant.)	

On March 15, 2024, Defendant Mayor Brandon King (“Mayor King”), removed this case from Cuyahoga County Court of Common Pleas to this Court, reciting that this Court has original jurisdiction over Plaintiff’s federal claims. ECF Doc. 2, PageID# 46. But a careful review of Plaintiff’s Complaint reveals that none of Plaintiff’s seven counts asserts a federal claim. ECF Doc. 2-8. Plaintiff does not even reference a federal statute, the U.S. Constitution, or any of its Amendments in his Complaint. *Id.* Rather, the Complaint’s very first sentence directly states the law under which Plaintiff brings these claims: “NOW COMES plaintiff LATEEK SHABAZZ, and, pursuant to Ohio Revised Code 733.72 through 733.76, hereby avers as follows.” *Id.* at PageID#68. The last line of the Complaint corroborates the fact that Plaintiff brings suit solely under state law. *Id.* at PageID##80-81 (“WHEREFORE, pursuant to R.C. 733.72 through 733.77, Plaintiff respectfully requests that this Court...”). Therefore, there is no federal claim in Plaintiff’s Complaint over which this Court may exercise original jurisdiction. And there is no diversity jurisdiction under 28 U.S.C. § 1332, as both Plaintiff and Defendant are

citizens of Ohio. Accordingly, the Court *sua sponte* REMANDS this case to the Cuyahoga County Court of Common Pleas.

IT IS SO ORDERED.

Date: March 19, 2024

/s/ Dan Aaron Polster
Dan Aaron Polster
United States District Judge